

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Daniel Cooper	Team: Team # 1	CCRB Case #: 201406527	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 06/16/2014 5:30 PM	Location of Incident: Broadway and Flushing Avenue	Precinct: 81	18 Mo. SOL 12/16/2015	EO SOL 12/16/2015	
Date/Time CV Reported Wed, 06/25/2014 3:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 06/30/2014 2:40 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Swift	26931	931288	081 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Andrew Yurkiw	13610	952364	081 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Swift	Discourtesy: PO Michael Swift spoke discourteously to § 87(2)(b) [REDACTED]	

Case Summary

On June 15, 2014, at approximately 5:30 p.m., § 87(2)(b) was seated the passenger's seat as his son § 87(2)(b) drove northeast on Broadway in Brooklyn. As the car approached the intersection of Broadway and Flushing Avenue, a marked police vehicle with its passenger side window down pulled beside § 87(2)(b) PO Michael Swift of the 81st Precinct allegedly yelled out the police vehicle window to § 87(2)(b) "You fucking moron. (**Allegation A**)" The officer then drove off continuing northeast on Broadway.

Mediation, Civil, and Criminal Histories

§ 87(2)(b) declined mediation § 87(2)(b). § 87(2)(b) was offered mediation but was uncooperative with the investigation.

As of February 19, 2014, § 87(2)(b) has not filed a Notice of Claims with the New York City Comptroller's Office (encl.8e). On March 23, 2014, a FOIL request was sent to the New York City Comptroller's Office and the status of a Notice of Claims for § 87(2)(b) is pending (encl. 8f). § 87(2)(b) and § 87(2)(b) have had no past convictions (encl. 8e).

Civilian and Officer Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3a).
- PO Swift has been a member of service for 12 years and there are no substantiated allegations against him (encl.2a).

Findings and Recommendations

Explanation of Subject Officer Identification

PO Swift acknowledged interacting with § 87(2)(b) Therefore **Allegation A** has been pled against him.

Allegation A- Discourtesy: PO Michael Swift spoke rudely to § 87(2)(b)

§ 87(2)(b) stated that he was in a car being driven by his son § 87(2)(b) when he heard a siren. After two to three minutes of hearing the siren, § 87(2)(b) told § 87(2)(b) to pull over to let the police vehicle through, but they were blocked by a vehicle in front of them. The police vehicle containing PO Michael Swift and PO Andrew Yurkiw of the 81st Precinct began to drive around § 87(2)(b)'s vehicle. § 87(2)(b) alleged that PO Swift rolled down his passenger's side window and yelled out the window at § 87(2)(b) "You fucking moron. Get the fuck out of the way." The officers then drove off (encl. 6a-6b). To date, § 87(2)(b) has been uncooperative with the investigation despite contact attempts (encl. 11a).

PO Swift stated that he and his partner, PO Yurkiw responded to a call that an unknown male had a gun. When PO Swift and PO Yurkiw began to leave the incident location, § 87(2)(b) approached PO Swift and asked him either, "Why did you curse at me?" or "Why did you curse at my son?" PO Swift told § 87(2)(b) that he did not know what he was talking about and explained that the officers were looking for an individual with a gun. PO Swift denied ever cursing at § 87(2)(b) (encl.7f-7g).

PO Yurkiw stated that while he and PO Swift were canvassing for a male with a gun that § 87(2)(b) approached their police vehicle. PO Yurkiw heard PO Swift tell § 87(2)(b)

§ 87(2)(b) that he was chasing someone with a gun. PO Yurkiw denied ever hearing PO Swift say to any civilians “You fucking moron. Get the fuck out of the way.” (encl.7l-7m).

§ 87(2)(g)

Team: Team 1

Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date